

EXHIBIT 4

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UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 IN RE SEARCH WARRANT FOR DIGITAL
DEVICES SEIZED ON OR ABOUT March
14 9, 2018 FROM THE PROPERTY
LOCATED AT 3052 W. CHERYLLYN
15 LANE, ANAHEIM, CA 92804

No. 2:18-MJ-00484

GOVERNMENT'S EX PARTE APPLICATION
FOR A SECOND EXTENSION OF TIME
WITHIN WHICH TO RETAIN AND SEARCH
DIGITAL DEVICES; DECLARATION OF
STACEY R. FERNANDEZ

(UNDER SEAL)

18 The United States of America, by and through its counsel of
19 record, Special Assistant United States Attorney ("SAUSA") Stacey R.
20 Fernandez, hereby applies for an order to extend, by an additional 90
21 days the time within which it may retain and search digital devices
22 seized pursuant to the above-entitled federal search warrant,
23 specifically, up to and including March 10, 2019.

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1 This application is based on the attached declaration of Special
2 Assistant United States Attorney Stacey R. Fernandez, and the files
3 and records of this case, including the underlying search warrant and
4 affidavit in support thereof.

5 Dated: December 10, 2018

Respectfully submitted,

6 NICOLA T. HANNA
7 United States Attorney

8 LAWRENCE S. MIDDLETON
9 Assistant United States Attorney
Chief, Criminal Division

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11 STACEY R. FERNANDEZ
12 Special Assistant United States
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13 Attorneys for Applicant
14 UNITED STATES OF AMERICA
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DECLARATION OF STACEY R. FERNANDEZ

I, Stacey R. Fernandez, do hereby declare:

1. I am a Special Assistant United States Attorney assigned to this investigation for United States Attorney's Office for the Central District of California.

I. PURPOSE OF AFFIDAVIT

2. This declaration is made in support of the request for an extension order to permit the government to retain and search for an additional 90 days the following digital devices seized pursuant to the warrant described below (the "SUBJECT DIGITAL DEVICES"):

a. Black LG Android cell phone, Model Number LGLS991, IMEI Number 357355062960973, with cord;

b. Silver Samsung cell phone with broken screen, Model Number SM-J327P; and

c. Gold LG Cell Phone with broken screen, Model Number LS990, Serial Number 410KPVH0351583.

3. Based on my conversations with Task Force officer ("TFO") Bernell E. Trapp, Special Agent Amy Whitman, and my assistance with the underlying search warrant application, I know the following:

II. DIGITAL DEVICES SEIZED PURSUANT TO A MARCH 5, 2018 SEARCH WARRANT

4. On or about March 5, 2018, TFO Trapp obtained a federal search warrant issued by the Honorable Rozella A. Oliver, United States Magistrate Judge, authorizing the search of the property located at 3052 W. Cherylllyn Lane, Anaheim, CA 92804 (the "SUBJECT PREMISES"). The warrant, which is incorporated herein by reference, specifically authorized the seizure of digital devices from the SUBJECT PREMISES for a period of 120 days to allow the government to

1 search such devices for evidence of violations of Title 18, United
2 States Code, Sections 2252A(a)(2) (receipt and distribution of child
3 pornography), 2251(d) (advertisement of child pornography), and
4 2252A(a)(5)(B) (possession of child pornography).

5 5. On or about March 9, 2018, federal agents executed the
6 warrant at the SUBJECT PREMISES and seized a number of digital
7 devices ("the SEIZED DIGITAL DEVICES"), which included the SUBJECT
8 DIGITAL DEVICES. Based on the terms of the search warrant, the
9 government therefore had until July 7, 2018, to retain and search the
10 SEIZED DIGITAL DEVICES.

11 **III. INITIAL REVIEW OF THE SEIZED DIGITAL DEVICES**

12 6. On or about May 5, 2018, forensic specialists from the Los
13 Angeles County Sheriff's Department, High Tech Task Force began to
14 prepare a forensic image of the Silver Samsung cell phone with broken
15 screen, Model Number SM-J327P and the Gold LG Cell Phone with broken
16 screen, Model Number LS990, Serial Number 410KPVH0351583. After the
17 forensic exams were completed on the two listed cell phones, the
18 forensic specialists discovered numerous images of child pornography.
19 The following is a description of a sample of the images of child
20 pornography that were discovered on the Gold LG Cell Phone with
21 broken screen, Model Number LS990, Serial Number 410KPVH0351583:

22 a. An image file entitled "1024_x768_bestfit.jpg" shows
23 the torso and legs of a nude prepubescent female. The prepubescent
24 female has her legs spread exposing her vagina. An adult male is
25 anally penetrating the female with his erect penis.

26 b. An image file entitled "large.jpg" depicts a nude
27 prepubescent female lying on her back. The female's legs are spread
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1 and raised in the air, bent at the knees. The female's vagina and
2 anus are exposed.

3 **IV. PREVIOUS EXTENSION REQUEST**

4 7. The underlying search warrant in this matter authorized the
5 government to retain and search the digital devices for 120 days from
6 the date of the execution of the warrant. Therefore, the time within
7 which the government was authorized to search the digital devices
8 seized on March 9, 2018, was July 7, 2018. The government halted its
9 review of the SEIZED DIGITAL DEVICES, including the SUBJECT DIGITAL
10 DEVICES, on July 7, 2018.

11 8. At that time, and as outlined in the government's first ex
12 parte application, see the Clerk's Record for the above-captioned
13 case at docket number seven, the government concluded that additional
14 time was necessary to complete the review of several digital devices,
15 including the SUBJECT DIGITAL DEVICES.

16 9. Due to a miscommunication between TFO Trapp and me, the
17 government neglected to file the instant ex parte application to
18 extend the time within which the government may retain and search the
19 SEIZED DIGITAL DEVICES prior to the expiration of the initial 120-day
20 review period authorized by the underlying search warrant.
21 Therefore, on October 9, 2018, the Honorable Karen L. Stevens
22 authorized a nunc pro trunc extension of time within which the
23 government could retain digital devices from July 7, 2018, to October
24 10, 2018. In addition, the Honorable Karen L. Stevens authorized an
25 extension of time within which the government could retain and search
26 digital devices, including the SUBJECT DIGITAL DEVICES, from October
27 10, 2018 to December 9, 2018.

V. CURRENT EXTENSION REQUEST

10. For the following reasons, I am requesting an additional 90 days for the government to complete its review of the SUBJECT DIGITAL DEVICES:

a. The SUBJECT DIGITAL DEVICES alone contain approximately 90 gigabytes of data. The information stored on the cell phones hold an unknown amount of storage, but smart phones can hold several Gigabytes of information, as well as several Gigabytes of deleted information which agents will have to review. Processing and reviewing all these devices and documenting them is time consuming.

b. To date, the majority of the SEIZED DIGITAL DEVICES have been previewed and no evidence was found.

c. Evidence of the Subject Offenses were found, however, on the SUBJECT DIGITAL DEVICES, and the following additional review is needed:

i. A finalized report for the Gold LG Cell Phone with broken screen, Model Number LS990, Serial Number 410KPVH0351583 must be completed;

ii. A forensic image and finalized report must be completed on the Black LG Android Cell Phone, Model Number LGLS991, IMEI Number 357355062960973; and

iii. A forensic image and finalized report must be completed on the Silver Samsung cell phone with broken screen, Model Number SM-J327P, which is going to be sent to the FBI Regional Computer Forensic Lab for further forensics.

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1 d. The forensic review of digital devices is also time
2 consuming. Agents cannot simply turn on the devices and review their
3 contents because merely turning on a device and reviewing its
4 contents changes the data. Specialized extraction software is
5 therefore needed to ensure that evidence remains in a pristine and
6 usable condition, and is not affected by the review process. The
7 review also must be conducted by agents who have received specialized
8 training to ensure that the review is done thoroughly and in a
9 forensically sound fashion. This process takes substantial time.
10 Further, the number of digital devices, the amount of time for the
11 computer systems to read the data for viewing, and for the
12 investigator to view and "bookmark," or label, the images of
13 contraband as evidence are tasks which require a significant amount
14 of time and more time than is presently available.

15 11. For these reasons, agents have not been able to complete
16 the review in the time allotted. I am therefore requesting an
17 extension of 90 days, until March 10, 2019, in order to conduct the
18 search of the SUBJECT DIGITAL DEVICES.

19 I declare under penalty of perjury under the laws of the United
20 States of America that the foregoing is true and correct and that
21 this declaration is executed at Los Angeles, California, on December
22 10, 2018.



STACEY R. FERNANDEZ
Special Assistant United States
Attorney